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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,401

Applicant(s)

YUYAMA ET AL.

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In the amendment filed 9/20/05, the following has occurred: claim 19 has been amended. Now, claims 19-37 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19-32 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Teeple Jr., U.S. Patent No. 5,925,014.
4. As per claim 19, Teeple teaches an apparatus for supporting injection mixing work, said apparatus comprising: an acquisition unit operable to acquire an injection prescription data including data specifying a plurality of injections which are prescribed to a patient (see column 3, lines 42-46); a decision unit operable to decide a proper mixing order of the plurality of injections included in the injection prescription data acquired by said acquisition unit (see column 3, lines 50-53); a display unit operable to display an indication representing the mixing order decided by said decision unit (see column 3, lines 54-56); wherein the decided mixing order displayed by said display unit is used to properly combine a plurality of the injections which are prescribed to the patient (see column 3, lines 54-58).
5. As per claim 20, Teeple teaches the apparatus of claim 1 as described above. Teeple further teaches a memory unit operable to store corresponding relations between data

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specifying injections and data for deciding a mixing order of the injections (see column 3, lines 47-49); wherein said decision unit is operable to decide the proper mixing order of the plurality of injections based on the data for deciding the mixing order corresponding to the data specifying injections which are included in the injection prescription data acquired by said acquiring unit (see column 3, lines 50-56).

6. As per claim 21, Teeple teaches the apparatus of claim 1 as described above. Teeple further teaches said memory unit is further operable to store corresponding relations between data specifying injections and data identifying whether or not the injections are transfusion (see column 3, lines 47-49); and said decision unit is operable to decide the proper mixing order of the plurality of injections based on the data for deciding the mixing order and the data identifying whether or not the injections are transfusions (see column 3, lines 50-56).

7. As per claim 22, Teeple teaches the apparatus of claim 21 as described above. Teeple further teaches said memory unit is operable to store corresponding relations between data specifying injections and data identifying whether or not the injections need sole administration (see column 6, lines 40-44); and said decision unit is operable to decide the proper mixing order of the plurality of injections based on the data for deciding the mixing order, the data identifying whether or not the injections are transfusion, and the data identifying whether or not the injections need sole administration (see column 3, lines 50-54).

8. As per claim 23, Teeple teaches the apparatus of claim 22 as described above. Teeple further teaches that the display unit is operable to display an indication representing the name of injection is a transfusion (see column 3, lines 54-56); and for the injections in need of sole administration, said display unit is operable to display an indication representing that the injection needs sole administration (see column 3, lines 54-56 and column 6, lines 40-44).

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9. As per claim 24, Teeple teaches the apparatus of claim 20 as described above. Teeple further teaches said memory unit is operable to store corresponding relations between data specifying injections and data identifying whether or not the injections need sole administration (see column 6, lines 40-44); and said decision unit is operable to decide the proper mixing order of the plurality of injections based on the data for deciding the mixing order and the data identifying whether or not the injections need sole administration (see column 3, lines 50-54).

10. As per claim 25, Teeple teaches the apparatus of claim 25 as described above. Teeple further teaches said memory unit is further operable to store corresponding relations between a combination of injections and data showing a degree to which the combination of injections is improper (see column 3, lines 47-49); said apparatus further includes a judging unit operable to judge whether or not any improper combination is present for the injections included in the injection prescription data acquired based on the corresponding relations between combination of injections and data showing the degree to which the combination of injections is improper (see column 3, lines 50-53); and for the injections which are judged to be an improper combination by said judging unit, said display unit is operable to display an indication showing the degree to which the combination of injections is improper (see column 3, lines 54-60).

11. As per claim 26, Teeple teaches the apparatus of claim 20 as described above. Teeple further teaches an operation unit operable to record the corresponding relations between combination of injections and data showing a degree to which the combination of injections is improper onto said memory unit (see column 3, lines 47-49).

12. As per claim 27, Teeple teaches the apparatus of claim 20 as described above. Teeple further teaches said memory unit is further operable to store corresponding relations between data specifying injections and matters requiring attention when using the injections (see column 9, lines 17-21); and said display unit is operable to display the matters requiring attention when

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using the injections corresponding to the data specifying the injections (see column 9, lines 17-21).

13. As per claim 28, Teeple teaches the apparatus of claim 19 as described above. Teeple further teaches the indication representing the mixing order decided by said decision unit includes names of the plurality of injections included in the injection prescription data acquired by said acquiring unit (see column 9, lines 12-17).

14. As per claim 29, Teeple teaches the apparatus of claim 28 as described above. Teeple further teaches said display unit is operable to display an indication for identifying the name of an injection as to the injection to be mixed subsequently (see column 9, lines 12-17).

15. As per claim 30, Teeple teaches the apparatus of claim 19 as described above. Teeple further teaches the indication representing the mixing order decided by said decision unit includes an indication representing that the injection included in the injection prescription data acquired by said acquiring unit is a transfusion (see column 3, lines 47-49).

16. As per claim 31, Teeple teaches the apparatus of claim 19 as described above. Teeple further teaches the indication representing the mixing order decided by said decision unit includes an indication representing that the injection included in the injection prescription data acquired by said acquiring unit needs sole administration (see column 6, lines 40-44).

17. As per claim 32, Teeple teaches the apparatus of claim 19 as described above. Teeple further teaches the indication representing the mixing order decided by said decision unit includes an indication representing that the injections included in the injection prescription data acquired by said acquiring unit are not a proper combination (see column 9, lines 17-21).

18. As per claim 34, Teeple teaches the apparatus of claim 19 as described above. Teeple further teaches an input unit operable to input data specifying injections to be mixed subsequently (see column 3, line 46); a comparison unit operable to compare the data

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specifying injections inputted with the data specifying injections to be mixed subsequently (See column 3, lines 46-53); wherein said display unit is operable to display an indication that the comparison by said comparison unit results and an inconsistency (see column 9, lines 17-21).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teeple Jr., U.S. Patent No. 5,925,014 in view of Merki et al., U.S. Patent No. 5,002,055.

21. As per claim 33, Teeple teaches the apparatus of claim 19 as described above. Teeple does not explicitly teach the data for deciding the mixing order is pH-values data. Merki teaches storing pH-values data for injections, and wherein a controller decides a mixing order of the injections in accordance with the pH-values (see column 3, lines 52-63). It would have been obvious to one of ordinary skill in the art of injection prescription management at the time of the invention to incorporate this feature into the system of Teeple. One of ordinary skill in the art would have been motivated to incorporate this data for the purpose of enhancing the ability to cope with a large number of variables involved in the administering a combination of drugs (see column 1, lines 24-28 of Teeple).

22. Claim 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teeple Jr., U.S. Patent No. 5,925,014 in view of Leissing et al., U.S. Patent No. 5,281,396.

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23. As per claim 35, Teeple teaches the apparatus of claim 19 as described above. Teeple does not explicitly teaches recording a composition alteration. Leissing teaches an operation unit operable to operate to record a composition alteration (see column 6, lines 10-23); and a recorder operable to record the composition alteration (see column 6, liens 60-68). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Teeple. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of providing trustworthy information to aid the physician in administering injections to patients in the system of Teeple (see column 3, lines 33-35 of Leissing).

24. As per claim 36, Teeple in view of Leissing teach the apparatus of claim 35 as described above. Teeple does not explicitly teach that the composition alteration is caused due to the combination of the plurality of injections. Leissing further teaches that the composition alteration is caused due to the combination of a plurality of intravenous drugs (see column 6, lines 24-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Teeple for the reasons given above with respect to claim 35.

25. As per claim 37, Teeple in view of Leissing teach the apparatus of claim 35 as described above. Teeple does not explicitly teach that the composition alteration is caused due to the combination of the plurality of injections. Leissing further teaches that the composition alteration is caused due to the combination of a plurality of intravenous drugs (see column 6, lines 24-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Teeple for the reasons given above with respect to claim 35.

Response to Arguments

26. In the remarks filed 9/20/05, Applicant argues in substance that claims as amended distinguish over the teachings of Bloom. Although the Examiner agrees that the amended claims distinguish over the Bloom reference, the Examiner has applied a new grounds of rejection in view of Teeple. Therefore, these arguments are now moot in view of the new grounds of rejection detailed above.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'C. Luke Gilligan', with a long horizontal flourish extending to the right.

C. Luke Gilligan
Patent Examiner
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